

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

RASHID ASH-SHEIKAH)

JUNAID,)

Plaintiff,)

vs.)

Case No. 4:04CV57 CDP

GARY KEMPKER, et al.,)

Defendants.)

ORDER

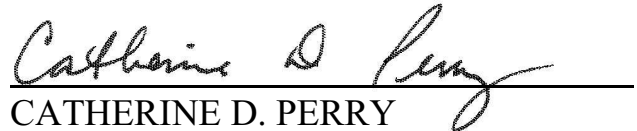
Defendants Gary Kempker, Steve Long, Winfrey Dickerson, Allen Luebbers, Pat Smith, Charles Dwyer, Thomas King, George Lombardi, Don Roper, and Dora Schriro have moved to dismiss two of Plaintiff's claims for failure to exhaust. Specifically, Defendants seek dismissal of claims that: (1) Defendants unlawfully used the prison grievance procedure to suppress the Muslim community; and (2) each Defendant engaged in a conspiracy to conceal violations of Plaintiff's civil rights and to make false documentation of those crimes.

Plaintiff does not oppose Defendants' motion and has agreed to dismissal of the two claims.

Accordingly,

IT IS HEREBY ORDERED that Defendants' motion to dismiss [#39] is granted, and Plaintiff's two claims described herein are dismissed without prejudice.

IT IS FURTHER ORDERED that Defendants' motion to substitute counsel [#37] is granted.


CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 20th day of September, 2007.